

**Minutes**  
**State Board of Education**  
**Monday, October 24, 2011**

The Arizona State Board of Education held a regular meeting at the Arizona Department of Education, 1535 West Jefferson, Room 417, Phoenix, Arizona. The meeting was called to order at 9:05 AM.

**ROLL CALL**

**Members Present:**

Dr. Vicki Balentine  
Ms. Amy Hamilton  
Supt. Huppenthal  
Ms. Eileen Klein  
Mr. Gregory Miller  
Mr. Jaime Molera  
Ms. Diane Ortiz-Parsons  
Dr. JD Rottweiler  
Mr. Thomas Tyree

**Members Absent:**

Mr. Jacob Moore

**PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

Mr. Molera

**ROLL CALL**

Mr. Yanez

**1. BUSINESS REPORTS**

**A. President's Report**

Mr. Molera was approached to write a recommendation letter on behalf of the Board for the Race to the Top Early Learning Challenge Grant. Mr. Molera indicated that he felt uncomfortable writing such a letter without first obtaining input from the rest of the Members.

Mr. Molera recently attended the House Representatives ad hoc committee on data education systems. Mr. Molera expressed that he feels his role on the committee is not to micro-manage the Board. What is helpful is to look at ways to understand data collection and the bigger role data plays in evaluations.

Conversations with Senator Crandall and Representative Goodale were fruitful. When the Legislature goes into session in January, they will be able to focus on information shared with them from the Board.

**B. Superintendent's Report**

Supt. Huppenthal shared that he was proposing a one year delay in the implementation of the Teacher/Principal evaluation framework.

**1. Recognition of National History Teacher of the Year  
Recipient, Kathryn Bauer**

Supt. Huppenthal congratulated Kate Bauer, who was recently named the 2011 Arizona History of the Year by the Gilder Lehrman Institute of American History. Mrs. Bauer is a 5<sup>th</sup> grade teacher at Patterson Elementary School in Mesa, where her exceptional talents have been recognized by both her students and her colleagues. Supt. Huppenthal presented her with the award plaque.

2. Recognition of 2011 National Blue Ribbon Schools
  - Franklin East Elementary School - Mesa
  - Franklin Phonetic Primary School - Prescott
  - Nautilus Elementary School – Lake Havasu City
  - Pima Elementary School – Scottsdale

Supt. Huppenthal recognized Arizona’s four 2011 National Blue Ribbon Award winning schools. He stated that these schools were selected by the United States Department of Education for their outstanding student success rates and strong leadership and they truly represent Arizona’s best. Supt. Huppenthal presented each school with an award plaque and thanked them for their commitment to excellence.

3. Recognize Arizona Department of Education Retirees
  - Lilly Sly and Barbara Border

### C. Board Member Reports

Ms. Ortiz-Parsons attended the NASBE conference in Georgia. The conference focused on educating America’s children into the 21<sup>st</sup> century. There were education leaders present from around the world, and Ms. Ortiz-Parsons came away with lots of information.

### D. Director’s Report

Mr. Yanez introduced the new Board’s new executive assistant, Evelyn Hickman.

Mr. Yanez let the Members know that he had given each of them a copy of the updated organizational chart for the Department of Education, and mentioned that an electronic copy would be sent to the Members.

There are two issues affecting the agenda for the December 5<sup>th</sup> Board meeting: 1) Ms. Klein requested a presentation about Arizona Ready once it had been launched, and 2) Ms. Hamilton requested an update regarding the implementation of the Teacher and Principal Evaluation Framework. These two items will be on the December 5<sup>th</sup> agenda.

Lastly, Mr. Yanez requested that item 4E be removed from this agenda and will be added to the December 5<sup>th</sup> agenda.

## 2. CONSENT AGENDA

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| <ol style="list-style-type: none"> <li>A. Consideration to approve State Board of Education minutes           <ol style="list-style-type: none"> <li>1. August 22, 2011</li> <li>2. September 26, 2011</li> </ol> </li> </ol> | <p>Mr. Yanez</p> |
| <ol style="list-style-type: none"> <li>B. Consideration to Approve Contract Abstracts for the Arizona Charter School Incentive Program Awards</li> </ol>                                                                      | <p>Mr. Dones</p> |
| <ol style="list-style-type: none"> <li>C. Consideration to appoint members to review committee for the purpose of evaluating applications for alternative professional preparation program approval</li> </ol>                | <p>Mr. Yanez</p> |
| <ol style="list-style-type: none"> <li>D. Consideration to accept the findings of fact, conclusions of law</li> </ol>                                                                                                         | <p>Mr. Easaw</p> |

and recommendation of the Professional Practices Advisory Committee and grant the application for certification for Jacquie Stuhl

- E. Consideration to grant professional preparation program approval for the ASU Masters of Education – Early Childhood Program

Ms. Amator

*Mr. Tyree moved that the consent agenda be approved.*

*Second by Dr. Balentine*

*The motion passed unanimously.*

### 3. CALL TO THE PUBLIC

No requests to speak.

### 4. GENERAL SESSION

- A. Presentation and discussion regarding the Race to the Top Early Learning Challenge grant application

Ms. Allvin

Ms. Rhian Allvin, Executive Director from First Things First, shared that on August 23<sup>rd</sup>, 2011, the Federal government released Race to the Top, a joint Federal grant through the Department of Education and Health and Human Services. Arizona is eligible for \$70 million and the grant was due on October 19<sup>th</sup>. There are five competitive priorities for which Arizona is encouraged to apply:

- Section A: Successful State Systems,
- Section B: High Quality, Accountable Programs,
- Section C: Promoting Early Learning and Development Outcomes for Children,
- Section D: A Great Early Childhood Education Workforce, and
- Section E: Measuring Outcomes and Progress.

Section B – High Quality, Accountable Programs: The intended outcomes related to this section are to:

- Increase the number and diversity of programs that are certified, licensed and enrolled in Quality First, with an emphasis on programs serving the children of low-income families, children with special needs, English Language Learners, and children residing on tribal lands.
- Make licensing, child care subsidies and Quality First Rating information easily accessible and understandable to parents.
- Support programs in moving up the levels of quality, and increase the number of children with High Needs in these high-quality programs.
- Conduct a validation study of Quality First's rating scale.

Section C – Promoting Early Learning and Development Outcomes for Children: The intended outcomes related to this section are to:

- Expand the effective utilization of early learning standards and infant toddler guidelines in settings across the early childhood landscape.
- Prepare children in all Essential Domains of School Readiness through application of effective, culturally and linguistically appropriate family engagement strategies.

50% of young children in Arizona are English Language Learners who have no out-of-home experience in their first five years. These children need strong experiences, influenced by their parents during their first five years. The Raising a Reader program will be offered in targeted zip codes.

Section D - A Great Early Childhood Education Workforce: The intended outcomes related to this section are to:

- Revise, adopt and implement Arizona's Early Childhood Knowledge and Competency Framework (CKEC) and Career Ladder.
- Remove structural barriers to opportunity by developing an accessible CDA to associate's to bachelor's degree progression.
- Start a statewide network of regional professional development technical assistance (TA) centers.

Section E - Measuring Outcomes and Progress: The intended outcomes related to this section are to:

- Adopt a phased-in implementation of common statewide kindergarten entry assessment beginning in school year 2014.
- Build a statewide early learning data system that connects participating state agencies and programs through a federated data entry process, and is interoperable with AZ SLDS.

The grant application requests that the State Board of Education consider adopting a common kindergarten assessment by 2014. The Federal guidelines are very specific regarding the assessment being formative and in all five domains of child development. The assessment must also be the same statewide. There are some added priorities for Arizona:

- The assessment should align with what is already being done for grades 3-12.
- The assessment should measure all central domains of school readiness.
- The assessment should primarily be a tool for kindergarten teachers and parents.
- The assessment should include a cross-sectional benchmark indicator for early childhood development to provide a baseline indicator.

The Virginia Piper Charitable Trust offered \$3 million to the Department of Education to cover costs associated with implementing the Early Learning Challenge. There is opportunity for strong stakeholder feedback with regards to the phasing in and roll out of the project, particularly for tribal consultation.

Dr. Balentine asked if there is a construct for development that will allow for people in the field to implement the assessment.

Ms. Allvin replied that there is such a construct. Ms. Allvin also mentioned that the field has gotten better over the last year, making it easier to administer the assessment. She asserted that this is a huge piece of the project and what needs to be done is building a budget in order to implement an ongoing assessment.

Mr. Molera commented that as the Board moves forward in building a new assessment system, the Members have to look at the entire cost and at what will be needed from the Legislature. Mr. Molera stated that the Board must look carefully at the financial costs as well as at what teachers will need.

Mr. Yanez reiterated the point that the Board has converging proposals with regard to kindergarten assessments. PARCC also has a kindergarten assessment currently under development. Mr. Yanez also stated that the conversation about how the Board wants to address kindergarten assessment needs to continue. Mr. Yanez

further asserted that it would be important to watch the process and then come back later with information regarding the PARCC assessment, its purposes and how it is going to be administered, and whether the Board wants to implement both assessments, one of the assessments or neither.

Ms. Allvin stated that Arizona is eligible to receive \$70 million. The majority of those funds, \$32 million, will be distributed through a competitive bid process, using the state procurement process. Ms. Allvin stated that there are four state agencies involved in the grant application: the Department of Education, the Department of Economic Security, the Department of Health Services, and First Things First.

B. Presentation and discussion regarding the Arizona Education Learning and Accountability System (AELAS)

Mr. Masterson

Mr. Masterson, Chief Information Officer for the Department of Education, shared an update about the SAIS modernization effort. He stated that they have made progress and that they ran the 40 day aggregation successfully. They have implemented all of the Fiscal Year 2012 rules and laws, and things are proceeding well. Regional budgets are on-line, real time, ten months earlier than they were last year, which is critical for charter schools.

One major piece is having 24 hour integrity capability. By November 7<sup>th</sup>, they will have completely reviewed integrity and matched the laws to the rules. At that time they will be able to interpret whether integrity has been implemented correctly, and then they can discuss the issue with the Legislature. They do not want to spend money rebuilding integrity, and they want the Legislature to have full visibility, which may provide for simplification. With the current prototype they can do integrity in 24 hours, meaning by the close of business every day.

The completed tasks for October include the completion of the 40 Day Aggregation (SAIS); the launching of the Arizona Education Learning and Accountability System (AELAS) Program; the launching of the AZ-Student Longitudinal Data System (SLDS) Project; the implementation of the final design, and posting of the temporary static reports, for the AZ-SLDS Dashboard; the commencement of the "Middle Tier" Requirement Gathering (AELAS); and the PIJ submittal for AELAS and Identity Management to the ADOA ASET.

Mr. Molera commented that it is important for the Board to be proactive and be able to tell the Legislature what the Board needs from the Legislature. Mr. Molera asked Mr. Masterson which pieces of the modernization effort they should present to the Legislature because the Legislature would need to know which pieces are necessary with regards to the Budget Reconciliation Bill that was put forth.

Mr. Masterson responded that IT will make recommendations to the Board about areas deemed critical for having Board support. Mr. Masterson continued by stating that, based upon which areas the Board believes are most appropriate, IT will then talk with leadership about making these areas more efficient.

Supt. Huppenthal stated that two important aspects of this modernization effort are 1) how the system is used to drive policy to a better place, and 2) gaining a better understanding of resources and the value created by effective use of those resources

Mr. Miller commented that people in the field need to be made aware of when they can and cannot make uploads to SAIS, because if, for example, a new report is uploaded before the Department runs integrity, all previous information will be lost.

Mr. Masterson stated that current vendors may not be prepared for how quickly the new system will work. He

stated that he has a list of vendors and he will work with them to let them know what is going on. The goal is to move to a system that enables the whole state, but they also do not want to have bad customer service.

Mr. Miller commented that the Board loves the fact that the new system is working. It is simply a matter of whether integrity can be run at any time and aligned with the same date, and that should solve the problem.

Mr. Masterson replied that the goal is to close the books every day. A recommendation will be forthcoming with the next \$500,000 change request. The recommendation will be to either properly document all the systems or just build a new one.

Mr. Masterson continued his presentation by informing the Board that the Data Governance Committee provided a recommendation to approve additional expenditures in the amount of \$2.2 million. \$130,000 has been spent to-date, but that will grow incrementally very fast. They are tracking expenditures down to the last detail and there will be full transparency. They will not be rebuilding SAIS all at once. Each piece will be rebuilt separately.

Great Plains is on budget, although they do have change requests pending. Management Systems' budget is also good. One issue is that this organization does not accept credit cards. If somebody wants to schedule a conference and pay by credit card, the system should allow for that. This is also a capability that would benefit teacher certification.

C. Presentation and discussion regarding legislative affairs. Discussion may include, but is not limited to, possible initiatives for the 2012 legislative session.

Mr. Yanez  
Ms. Cannata

Ms. Cannata presented a brief update on the status of the State budget. The good news is that the joint legislative committee came out with their analysis and they estimate a carry forward balance for the end of 2012. The bad news is that they predict a significant funding cliff by 2014 when the temporary sales tax expires. The amount of the carry forward is unclear; anywhere from \$415 million to \$130 million. Either way it is still a surplus. However, there will likely be no restoration of recently cut programs.

It is unclear if the 2013 budget will be in balance or have a shortfall. The estimates range from a \$140 million surplus to a \$375 million deficit. By 2014, both scenarios estimate a significant budget shortfall: anywhere from \$600 million to \$1.2 billion, which is 7-15% of the overall budget. The Legislature is unlikely to spend anything on new initiatives. They will focus on identifying uses for the carry forward. The House Appropriations Chair has a strong preference for banking the carry forward for the cliff.

For the 2012 legislative session, the business and education meeting language is to ask voters to impose new taxes in order to keep the budget in the black. Their goals are to create dedicated funding for education and to create a measure for growth and achievement.

With regards to any new 2012 education reforms, there is a significant sentiment that we should minimize new requirements from school districts so they can focus and gather data. House republicans on the education committee are looking to develop a set of principles by which all bills will be judged.

Ms. Cannata stated that the various education groups will present their legislative priorities at the next Board meeting on December 5<sup>th</sup>.

Mr. Yanez spoke about the three initiatives:

1. At the December meeting there will be available language on there being more immediate interventions for failing schools.
2. Enhanced ability for the Board to address schools that are insolvent or have grossly mismanaged their finances. It will be important to revamp the Board's authority regarding receivership and fiscal crisis teams. This is an effort to give the Board greater leeway when facing such issues.
3. Rule language on the restructuring of the hearing process for teacher certification matters. Principles for rules packages, the need for additional investigators, and the need for the committee to have the capacity to address concerns.

Mr. Yanez continued by stating there are two more issues. One is PARCC assessments and that the Board needs to address funding for the infrastructure that will be needed, budget requests related to roll out, and timing. The consortium is developing technology based assessments and there is currently no definitive plan to make a paper and pencil option available. The consortium is pushing for a strictly technology based assessment. The Board needs to have conversations soon about the budget to support the assessment, its infrastructure and types of devices that will be used. The infrastructure will need time to get into place, and training as well. These conversations cannot wait if the assessments are going to be rolled out successfully.

Mr. Molera asked for a ball park figure with regards to time frame and when the Board will have numbers to offer for discussion.

Mr. Yanez replied that he will let the Board know when they get bids back.

Mr. Molera asked if the bids will be for the Fiscal Year 2013 budget, or for 2014?

Mr. Yanez replied that he does not know, but his preference is to start having conversations this year.

Supt. Huppenthal commented that he has difficulty believing the system will galvanize because the Legislature is going to hesitate to approve funding for the infrastructure. Supt. Huppenthal believes a paper and pencil test is where this will end up.

Mr. Yanez responded that although he has not had conversations with the team developing the assessment, a paper and pencil test cannot be avoided. The drawback with other initiatives has been that people look for technology as a means to improve instruction and get results back quickly. For example, results from the AIMS test do not come back in time to be used for current year evaluations. However, there are reasons for moving to technology.

Supt. Huppenthal commented that a huge challenge is security. There is a desire for national standards, but security in technological tests is questionable. The bottom line is that there are big challenges.

Mr. Miller commented that this issue is going to become the perfect storm in 2014 as Arizona falls off the budget cliff. That message needs to be reiterated with the Legislature. If Arizona is looking at a billion dollar reduction in the budget at the same time the Department of Education is trying to roll out a major assessment project, the Board will be forced to go by Federal standards. There is going to be a lot of push back in the philosophical positions that the Legislature takes. They are not going to be cooperative in providing funding for this program. By the time the Board has had discussions, the Legislature will use the budget hole as an excuse not to move forward and not fund the program. Mr. Miller has concerns about how, if and when this is going to happen.

Mr. Yanez stated that he is in agreement and that was why he was raising this issue. Mr. Yanez continued by stating that the last issue was the teacher evaluation framework and its roll out. He stated that it is no surprise

that schools are having difficulty developing an instrument that complies with the framework for the next school year. He shared that based on these challenges the Department will pursue a one year delay in the implementation of the framework. This is a significant policy issue - this law falls under the Board's powers and duties. Therefore, the Board must address this. This warrants more discussion as it will likely be a proposal for this Legislative session.

Mr. Molera asked if it was appropriate for the Department to meet with key legislative leaders to talk about the implications, and why, from a policy standpoint, the Department is looking at a year pushback. After such a discussion with legislative leaders, a presentation can be made to the Board, perhaps at the December meeting.

Mr. Tyree asked whether the one year delay was because the evaluation is complex and people need more time to do it, or whether there were other things that need to be a part of this. Mr. Tyree also stated that he agrees with the recommendation to sit down with legislative leaders. He asked whether other stakeholder groups are on board and if they understand the need for the delay.

Mr. Yanez replied that it was his understanding that there is generally broad support for a delay. The reasons behind the proposed delay are many. The primary one being group B teachers and the ability of LEA's to put in place a valid and reliable measure for student progress. Another reason for the proposed delay is that there are a lot of LEA's in this state and not all of them are in communication with the Department or with other stakeholder groups. The process for developing the necessary instruments is just beginning. Pushing back implementation may only push back the headache; however, there are schools doing good work that just need more time.

Mr. Tyree stated that the Board should look at what needs to happen. If districts and LEA's are to look at implementing this, what is an issue is their size, or lack of size, and the resources they have available to help support them. The Department needs to take a look at what things LEA's in rural areas need. Mr. Tyree's concern is that rural areas will do the same old thing. The Department needs to help them get where they need to be.

Supt. Huppenthal commented that he would like to be able to make durable, comprehensive recommendations to districts, which are informed by research. The Department should at least have something specific and highly informed to offer LEAs. The Department should look at what is working, or not working, at the national level.

Dr. Balentine commented that the Department taking a year to develop templates would be a good use of the Department's focus. They must have great templates in order to ensure better implementation potential.

Supt. Huppenthal commented that it would be nice to have the whole thing ready to go, data processing wise, in addition to templates.

Ms. Ortiz-Parsons commented that Arizona has its own problems with regards to rural areas. If the project is going to be operational by 2014, there are still huge concerns, so a one year delay would be good.

D. Presentation, discussion and consideration to determine non-compliance with the USFR for failing to correct deficiencies and to withhold state funds, pursuant to A.R.S. § 15-272(B), from the following school districts

Mr. Ellel

1. Window Rock Unified School District

Mr. Ellel, the Assistant Attorney General, presented facts regarding the case of the Window Rock Unified

School District being in non-compliance. The case first appeared before the Board in December of 2008. The initial report from the auditor general was done in 2007. The Board tabled the case in 2008. Since then the Auditor General has reviewed the case, and determined the district is still in non-compliance. Mr. Ellel continued by saying that the district believes, according to preliminary work, there are fewer issues in the 2011 auditor's report.

Dr. Deborah Jackson-Dennison, the Superintendent from Window Rock Unified School District, introduced the other representatives from Window Rock that were present: the business manager, Mr. Joseph Mora, 3 school board members, and a consultant, C.W. Payne, from Heinfeld & Meech.

Dr. Jackson-Dennison stated that she and her constituents take this matter seriously, and have been working on this since 2009. She stated that they first started by bringing in Windsor Management Group. They also brought in a CPA firm from New Mexico to help them align their budget. In January of 2011 they brought in an independent auditor from which they learned that the areas where they could see some improvement were with GFA and student attendance. In November of 2010 they brought in a new business manager. They are working on changing the culture of how things are processed. The independent auditor is going back in November and will be giving more recommended changes. In January of 2012 through April, they will be implementing changes in several different areas and doing benchmarks. They would like to have the auditor general come back in the spring of 2012 to test again.

Dr. Jackson-Dennison feels strongly that she and her team have been working diligently. She stated that Window Rock is her community - that she was born and raised there and worked there for most of her career as well. She added that she has a lot of respect for the roles of the Members. The challenges in Window Rock are very significant and she has worked hard with her team to carry out a consistent message to their stakeholders and to the staff.

Dr. Balentine asked, in terms of withholding, if the Board set out to withhold a percentage and then determined in April that the district was in compliance, whether the district would receive back payment.

Mr. Yanez replied that, yes, any withheld funds would be returned to the district provided that the district comes back into compliance before the end of the fiscal year immediately following the fiscal year when the Board determined that district was in non-compliance.

*Mr. Miller moved to find that the Window Rock Unified School District is in non-compliance with the USFR for failing to correct deficiencies, and to withhold 5% of the district's state aid until the deficiencies are corrected, pursuant to A.R.S. § 15-272(B).*

*Second by Ms. Ortiz-Parsons*

*Motion passed unanimously.*

## 2. Topock Elementary School District

Mr. Ellel resumed the podium to present facts regarding the case of Topock Elementary School District being in non-compliance. He stated that the district appeared before the Board in March of 2009. The Auditor General first noticed that the district was out of compliance in 2007. At this time the district has not supplied an audit report for 2009. The district is very small and is only required to submit biennial reports.

Mr. John Warren, Superintendent of the district and Principal of the school, invited his business manager, Mrs. Kim Konnerth, to join him at the podium. Mr. Warren stated that they have been unable to get the auditors to come out and perform the audit. He stated that they were supposed to have come out in June. The auditors have been paid already; the price of audit is \$20,000 a year.

Mr. Warren informed the Board that he had multiple forms of documentation (phone calls and emails) as evidence of the auditor's lack of professional conduct. Mr. Warren explained that his district is small and rural. For example, if funds were collected at a student activity, someone would have to make a 40 mile trip to deposit the funds at the bank. Mr. Warren referred to the situation with the auditor as a comedy of errors. He had an email, dated July 1<sup>st</sup>, where the correspondent from the auditor's office confirmed that they had received information that had been mailed in May. Despite the fact that it was the second time the information had been sent to their office, Mr. Warren said that the person writing the email said they had not had a chance to review the information. The email stated that the individual would review the information when they returned to work after being out of the office the following week. Mr. Warren stated that the next correspondence from the auditor's office was in August.

Mr. Warren stated that people are not interested in performing an audit in Topock. He said that he was glad to be there before the Board, as it enabled him to seek assistance. He said that he and his colleagues are doing things right and that the initial findings were the result of overzealous state auditors. Mr. Warren reiterated that he has had very little contact with the audit firm.

Dr. Balentine asked Mr. Warren if anyone from the Department had been able to address this issue.

Mr. Warren said that, yes, he just needs someone from School Finance pressure the audit firm to complete its responsibilities. He explained that when looking at the 2012 audit he is stuck with choosing the lesser of two evils, and he had to approve the same audit firm. He commented that if Topock Elementary is looking at 5-10% of funding being withheld it will hurt the children. It is the audit firm that needs to be held accountable.

Ms. Klein asked Mr. Warren if he had reported the audit firm to the Board of Accountancy, as he was alleging unprofessional conduct.

Mr. Warren said that he had not because he did not want to put a bull's eye on his back. He said that it is not a good idea to be on the bad side of an audit firm. He also said that he disagrees that there are many firms willing to take on his district. He said that in 2005 only one firm bid to audit Topock Elementary. He said that he contacted the Department to ask them what they wanted him to do. It is his understanding that there are only two firms who do audits and he believes they have a monopoly over performing audits.

Mr. Molera stated that if these were legitimate issues the Board needed to have an opportunity to look at other options. Mr. Molera asserted that Mr. Warren was making serious allegations and he asked whether the Board wanted to move forward with a motion to withhold.

Mr. Warren repeated that he has no contact with the audit firm and that he can't get them to return phone calls.

Mr. Miller expressed that he was appalled at the fee, and even more appalled that it had been paid. He said that it is his understanding that pre-payment is gifting of state money. He also said that if there is a monopoly over audits, he is unaware of that. In his experience there are at least twelve agencies that perform audits. Lastly, Mr. Miller added that there are other remedies, and that Mr. Warren's district would get the \$20,000 back just not until the third year out from when the audit was performed.

Mr. Warren asked his business manager to address the issue of the payment of the \$20,000.

Mrs. Konnerth said that in June of 2010 she received a bill from Larson Allen. She was told by the county to pay the firm. She added that she was told that they had a contract with the firm and that once paid the firm would uphold the contract. She expected that it would have been completed, but then the voucher was going to expire, so she needed to send the check. She spoke with someone from the auditor general's office and asked

for help, specifically, what her next steps should be.

*Mr. Tyree moved that the matter be tabled for 90 days.*

*Second by Mr. Miller*

*Motion passed unanimously.*

E. Presentation, discussion and consideration to accept the proposed settlement agreement to suspend the teaching credentials held by Johnny London

Mr. Easaw

Matter tabled at staff's request.

F. Presentation, discussion and consideration to adopt proposed intervention and remedial strategies for pupils not promoted to the third grade, pursuant to A.R.S. § 15-701

Ms. Hrabluk

Ms. Hrabluk, Department of Education Associate Superintendent for High Academic Standards for Students, stated that her purpose was to outline specific components required for intervention plans for students not promoted from the third grade, pursuant to A.R.S. § 15-701. The intervention and remediation strategies outlined in the statute are that:

- The pupil be assigned a different teacher for reading instruction
- The pupil receive summer school reading instruction
- The pupil receive intensive reading instruction in the next academic year
- Online remediation

Ms. Klein asked if this was the strategy for every year.

Ms. Hrabluk replied that this strategy is only for the remediation year.

Ms. Klein then asked what is done before the remediation year, and whether there is a separate strategy for prior years.

Ms. Hrabluk responded that there is a separate strategy for K-3 which holds all of the necessary components. Ms. Hrabluk stated that the strategy she outlined is what districts are already doing and that at this point they are already implementing it and are required to have a comprehensive system in place. She added that most K-3 programs are also already doing this.

Ms. Klein expressed a concern that she thought the Board would be seeing something the Department would be doing to assist with this. She stated that the policy is remiss if it only sets policy for the 3<sup>rd</sup> grade year. As she went through the presentation, all the interventions focused on the 3<sup>rd</sup> grade.

Mr. Yanez shared that the Board can look at policies regarding years prior to the 3<sup>rd</sup> grade, but the law speaks specifically to 3<sup>rd</sup> graders not being promoted.

Ms. Klein commented that if they know the day is coming, they should set something that would have an affect sooner than that. If not, where is the value added to the process before that?

Ms. Hamilton asked about what would happen if a student is already retained in K-2.

Ms. Hrabluk responded that if a student has been retained twice there are good cause exemptions.

Ms. Hamilton asked if there was discussion about notifying parents about the more structured intervention system.

Ms. Klein suggested that there be some sort of best practices, or some other similar model, that exemplifies how to provide opportunities for the best remediation.

Ms. Hamilton commented that it may not be formally communicated that these are the models connected with Move on When Reading and that all of these interventions are already in place. She suggested that maybe parents and teachers need to know that these are the students that have the potential to be held back.

Ms. Hrabluk said that whenever they are talking about 3<sup>rd</sup> grade remediation and learning to read, all of the critical essential language skills are included. This is the logical sequential system for when humans learn to read. All intervention programs have had complete research done. It has been found that effective early intervention programs provide training in four essential instructional elements: alphabetic principle, guided and independent reading of increasingly difficult texts, writing exercises, and engaging students in practicing comprehension strategies while reading texts.

Ms. Hrabluk stated that in order to be considered a fluent 3<sup>rd</sup> grade reader, the student needs to read a minimum of 110 words per minute. To find firm ground, the student must read at beyond 110 words per minute. By the end of 4<sup>th</sup> grade, the student should be reading at 118-120 words per minute. Students who are going to be identified as significantly at risk are reading at 40-90 words per minute, according to their 3<sup>rd</sup> grade AIMS reading score. Effective intervention will add 2-3 words per week in words per minute - which is an attempt to close a 70 words per minute gap. That is a good 35 weeks of intensive instruction. Therefore it is critical that the retention year involves intensive, intentional instruction.

Ms. Hrabluk presented information on the three tiers of core instruction and intervention. Core instruction for Tier1 will involve grade level content, ELA standards, differentiated instruction in large and small group settings, student assistance for reading independently at grade level, and student assessments three times a year.

Tier 2 intervention will be skill based, will include diagnostic assessments and biweekly progress monitoring, small groups of 3-6, students of no more than one year behind, and will last for 8-10 weeks. Tier 3 intervention will involve intensive instruction, will be skill based, will involve weekly progress monitoring, small groups of 2 - 3 or one-on-one, students who are two or more years behind, and will last the whole school year.

Time requirements for the different tiers are as follows:

- Tier 1 (grade level core), involves 90 minutes per day of uninterrupted instruction.
- Tier 2 (supplemental intervention), involves 45-50 minutes per day.
- Tier 3 (intensive intervention), 60-75 minutes per day.

Total time requirements for Tier 1 and 2 are 135-140 minutes per day. For Tier 1 and 3 the total time requirements are 150-165 minutes per day.

The components of remediation are assessment, which involves a screener, diagnostics and progress monitoring; 90 minutes of uninterrupted, grade level, differentiated core instruction; and Tier 2 and 3

intervention of 45-50 minutes or 60-75 minutes of instruction, respectively.

The first option is to have a new teacher assigned to the student who is a skilled reading teacher. This teacher should have been teaching for more than one year, have a track record in understanding intervention components, have cross grade experience, and be comfortable using data on a weekly basis.

When talking about this policy, this teacher has a tremendous responsibility in the year of remediation, and it is important that they have support. The principal must understand the policy, the school should have a literacy plan, and there should be a reading interventionist at the school, or a paraprofessional, or an academic reading coach - some form of job imbedded professional.

The second option is for the student to attend summer school. Most Arizona schools already provide summer school and in most cases attending remains almost mandatory. The summer school option would require 4-6 weeks of a condensed instructional model. For summer school to be considered intensive instruction, the student would need to spend 2-3 hours with expert reading teachers focused on intervention, to include some core, comprehensive assessment system. The summer school option would also require an assessment at the conclusion to determine grade assignment for the following academic year.

The third option is for remediation to take place during the school year which would involve a comprehensive assessment system, core instruction (a minimum of 90 minutes for Tier 1) focused on grade level instruction. For Tier 2 and 3, the length is dependent upon the needs of the student - about 45 minutes a day.

The fourth option is online intervention, which is a strong option because it is scientifically research based. It is also skill based, involving the five key elements of reading: phonological awareness, phonics, fluency, vocabulary and comprehension. Online reading instruction is also sequential, systematic and explicit, and it allows for instruction, review, expansion, integration and extension where necessary. This option provides almost immediate corrective feedback, allows a learner to practice as long as they need to and it can be a supplement to teacher instruction. Engagement time will vary by program, but this option is becoming increasingly realistic.

The intended outcomes of remediation and intervention are to focus on the emergent literacy of K-3. It will also improve the likelihood of success for 3<sup>rd</sup> graders. The intentional instruction will close achievement gaps and provide additional time for students who need further instruction and practice. The initial focus on remediation will lead to effective models in K-2, and Arizona students will develop a strong foundation of literacy and be ready for upper grade instruction.

Ms. Hrabluk said that the Department has not compiled additional costs. The first task is at the district level. Districts need to look closely at what they are already spending funds on and investing in.

Ms. Hrabluk wanted to make a point about the wording of the statute. It says LEA's shall choose one of the four options. If the Department is going to move forward, then it behooves them to look at what works. Reports of high school drop outs show that 90% were not reading by the 3<sup>rd</sup> grade. Alternatively, of those students who are reading by the 3<sup>rd</sup> grade, despite living in poverty, 90% graduate from high school.

Mr. Molera asked if the Department is ready and comfortable with moving forward. He is concerned how this program will tie in with school evaluations. If schools are not doing well, there should be ways to focus on assigning remediation strategies to those schools. The Department would need to develop a coordinated approach. Secondly, Mr. Molera is concerned about trying to quantify a number for what is needed. This is a huge mandate for local schools, without an idea of what it will cost. He asked what the ramifications would be for schools that do not do it.

Dr. Balentine commented that it was well-founded information, but the reality in dealing with Arizona is there are a lot of rural areas. Even in scraped-together interventions, the reality is that families are not bound to participate. In terms of what the Board is looking for in policy, ultimately, the policy needs to be the responsibility of parents. Having parent requirements for participation is critical.

Ms. Hamilton is concerned about 3<sup>rd</sup> graders spending an additional year in remediation, which takes a lot of resources, and then those 3<sup>rd</sup> graders not having the optimum intervention. Unless the intervention system is pristine when it is implemented, the year of remediation will not work for them.

Ms. Hrabluk stated that the critical point is whether intervention works. If the policy is just to hold students back, that does not work. But if the policy is to put them in an effective intervention system, that will work.

Mr. Yanez stated that he wants to be clear about what the Board is looking for. The Board is required to adopt the interventions which Ms. Hrabluk had already mentioned are required. These interventions are already in the law.

Ms. Klein said she sees gaps in the statutes. She is curious to know what it would be like to be someone responsible for organizing these classes. It reminds her of ELL. The Board needs to hear from school experts about how they could operationalize this program. It is hard to move forward without understanding that part.

Ms. Hrabluk: can provide the Board with that information. The program has been operationalized. States that have aggressively moved forward have scaled up with reading first. Many districts have already gone to K-3 with the system. Ms. Hrabluk can bring folks who are doing it to a Board meeting.

Mr. Miller commented that we have a K-3 Tier 1 program in place and it is funded as program specific. Tier 3 is our normal kids who have already been identified as two years behind, and they qualify for IEP additional assistance. For the reading side, it looks similar to Tier 3. What has been found is that, initially, the Department gave schools a hard time because they were not identifying enough kids for special education needs. But the schools were terminating the need by implementing program. The biggest hit was when they did not have full day kindergarten anymore. That was an example of policy and resources not aligning.

Mr. Molera asked what the time frame is.

Mr. Yanez said there is none, but they are up against the first year of students being held back. The program begins in 2013 - this year's first graders. The program needs to be adopted in time to give LEA's time. The Board needs to hear from people in the field.

Mr. Molera stated that he was inclined to have Ms. Hrabluk and come back to present further information to the Board no later than the March meeting. The Board would need to take into consideration current budgets and resources, such as any overrides passed, which would help clarify key Legislative changes, and key State Board policy recommendations. The Board was reticent to move to adopt strategies when there were lots of missing pieces. They needed to come up with a structure for something that could be considered a more comprehensive approach.

Dr. Balentine stated that she supported that. The challenge was for non-title schools.

Mr. Molera agreed that there is a similarity to ELL in that these are things the law says shall be done, but there are not enough resources. This has significant policy implications down the road. Mr. Molera suggested the Board reconvene in the next couple months for Ms. Hrabluk and her team to come up with a recommendation

that can be put forward to the Board.

Ms. Ortiz-Parsons repeated her concern regarding students being retained twice. She was referring to continuity from the first grade. If retention conferences go out in February, perhaps in the first grade retention conferences, it could be put in practice/writing, that the child is below standard and could remain in 3<sup>rd</sup> grade. It would allow parents and their child an opportunity to understand the law, and then they would have two years to make up the deficiency.

Mr. Yanez informed the Board that the law already requires two notices, one of which has already gone out.

G. Presentation, discussion and consideration to close the rulemaking record and adopt proposed rule R7-2-307, regarding state administration fees for the Arizona GED testing program

Mr. Yanez  
Ms. Liersch

Ms. Liersch, Department of Education Deputy Associate Superintendant for Adult Education, stated that there are currently 825,000 adults in Arizona without a high school diploma. The fees for students to obtain a GED are highly subsidized. The State administrative fee used to be subsidized, but subsidization was discontinued in 2009.

Currently, the Adult Education department is operating at the fee ceiling. An RFP was conducted and the current vendor tripled the price. This increase raised the net expenses. The Department needs to respond to this concern. The Department is sensitive to keeping the cost of the program affordable. Over past 12 years, the cost has remained relatively flat. They are dedicated to keeping the cost affordable, and the process efficient. Ms. Liersch would like to implement a \$30 fee and increase the fee ceiling to \$40.

Mr. Yanez stated that, for the record, a public hearing was held, and no comments were received.

*Mr. Miller moved to close the rulemaking record and adopt proposed rule R7-2-307, regarding state administration fees for the Arizona GED testing program.*

*Second by Mr. Rottweiler*

*The motion was passed unanimously.*

H. Board comments and future meeting dates – The executive director, Mr. Molera, presiding officer or a member of the Board may present a brief summary of current events pursuant to A.R.S. § 38-431.02(K) and may discuss future meeting dates and direct staff to place matters on a future agenda. The Board will not discuss or take action on any current event summary.

*Mr. Tyree moved move to adjourn as the State Board of Education and reconvene as the State Board for Vocational and Technological Education.*

*Second by Ms. Ortiz-Parsons*

*The motion passed unanimously.*

5. ADJOURN AS THE STATE BOARD OF EDUCATION AND  
RECONVENE AS THE STATE BOARD FOR VOCATIONAL AND  
TECHNOLOGICAL EDUCATION

Receipt of preliminary report on proposed CTE programs to satisfy high school graduation requirements for mathematics

Mr. Hamilton

Mr. Hamilton, Department of Education Deputy Associate Superintendent for Career and Technical Education, presented an update on the proposed CTE programs for Mathematics Crosswalk Credit. The process used to crosswalk CTE Program Standards with the Mathematics Common Core Standards for High School was presented in the spring of 2011. At this time, the following five CTE programs have been through a three-step crosswalk identification and validation process:

- Accounting and Related Services
- Automotive Technologies
- Advanced Construction Technologies
- Business Management Administrative Services
- Software Development

The selected five programs have been examined for math imbedded content. Mr. Hamilton and his team worked with the academic portion of the Department to select math experts. They aligned the math standards from the PARCC group and used CTE performance measures. They also had experts crosswalk between those content areas. Mr. Hamilton's team is in the process of completing the crosswalks in ways that they can be shared. They were going to bring it back to the Board by the December meeting, but he would like to run it by one more group and bring it back in February instead. He would like to have a high quality and well reviewed product.

Mr. Molera commented that this is a big issue in the field. If it is done well, it will lead to other areas. Mr. Molera had one suggestion. He said that there has been a lot of work done by those who have advocated for this crosswalk for a long time. Mr. Molera asked that Mr. Hamilton reach out to them. For example, there has been work done with the Governor's Office on Race to the Top.

Mr. Tyree had a question along the same line. With respect to different kinds of curricular programs, for example, international baccalaureate or other board examination systems, as Mr. Hamilton goes through the process, Mr. Tyree asked whether those programs have congruency that would allow for the opportunity for crosswalking.

Mr. Hamilton said that he has not approached that issue in a formal way.

Mr. Yanez stated that the board exam system is very particular about its own systems. They have not asked specifically, but there have been discussions about whether there could be course substitutions between systems. These are ongoing discussions, although nobody seems eager to allow that to happen. He stated that he did not believe it would be permissible for CTE program courses to crosswalk to board examination system courses.

Mr. Hamilton commented that Cambridge has identified single courses, but the mandate is for programs, or sequences of courses. Mr. Hamilton and his team are looking at a program. These other programs may come up short.

## 6. ADJOURN

*Mr. Molera moved to adjourn.  
Second by Dr. Balentine  
The motion passed unanimously.*